



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/357,957	07/21/99	LEVY	R 01064.0011-0

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IM22/1106

EXAMINER

MEDLEY, M

ART UNIT	PAPER NUMBER
1714	7

DATE MAILED: 11/06/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/357,957**

Applicant(s)

**Levy, Richard**

Examiner

**Margaret B. Medley**

Group Art Unit

**1714**



- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 1 and 29-43 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claims 1 and 29-43 are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 29- 30 and 41-42, drawn to a lubricant composition consisting essentially of a superabsorbent polymer with a petroleum oil or synthetic oil lubricant or grease thereof, or fatty oil, fatty acid, or wax friction reducing material for moving surfaces, wherein the synthetic oil is being considered as a synthetic hydrocarbon oil, classified in class 508, subclass 463+.
- II. Claims 1,29 and 31-32, drawn to a lubricant composition consisting essentially of a superabsorbent polymer with an inorganic solid friction reducing material for moving surfaces, classified in class 508, subclass 113 +.
- III. Claims 1, 29, 33-34 and 43, drawn to a lubricant composition consisting essentially of a superabsorbent polymer with a solid friction reducing material for moving surfaces wherein the organic solid lubricant is a fluoroalkylene homopolymer ... copper phthalocyanine, or mixtures thereof, or soap, classified in class 508, subclass 181 +.
- IV. Claims 1, 29 and 35, drawn to a lubricant composition consisting essentially of a superabsorbent polymer with water containing a lubricant additive as a friction reducing material for moving surfaces, classified in class 508, subclass 110+.
- V. Claims 1, 29 and 36, drawn to a lubricant composition consisting essentially of a superabsorbent polymer with an oil or grease thereof and water, and a lubricant

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additive as a friction reducing material for moving surfaces wherein the friction reducing material appears to be an emulsion , classified in class 508, subclass depending on the selected type of oil or grease.

VI. Claims 1, 29 and 37-40, drawn to a lubricant composition consisting essentially of a superabsorbent polymer with an inorganic solid lubricant and water, and a lubricant additive as a friction reducing material for moving surfaces wherein the friction reducing material appears to be a colloidal suspension, and wherein the phosphate of claim 39 is being considered as being an inorganic phosphate, , classified in class 508, subclass 110 +.

VII. Claims 1, 29 and 37-38, drawn to a lubricant composition consisting essentially of a superabsorbent polymer with an organic solid lubricant and water, and a lubricant additive as a friction reducing material for moving surfaces wherein the friction reducing material appears to be an emulsion, classified in class 508, subclass 110 +.

The inventions are distinct, each from the other because:

Inventions I-VII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions I-VII are not disclosed as capable of use together. The lubricant composition friction material of each of Groups I -VII is not the lubricant compositions friction material of each other

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of Groups I-VII and the search for one of the friction reducing material is not the same search required for each of the other friction reducing materials of the separate Groups I-VII. If the Examiner would have to search for every claimed friction reducing material, it would place an undue burden on the office. Each of the separate Groups I-VII friction reducing material with a superabsorbent polymer are capable of supporting individual and distinct patent invention if the claims after searching were determined to be allowable.

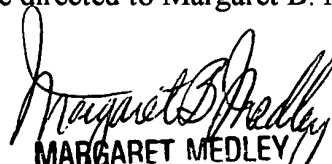
Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication should be directed to Margaret B. Medley at telephone number (703) 308-2518.

Margaret B. Medley

  
MARGARET MEDLEY  
PRIMARY EXAMINER  
GROUP 1100

November 1, 2000